

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 29, 2020

Dr. Mark Dong
Luciano LLC
25 Aldgate Dr E
Manhasset, NY 11030

Re: Certificate of Completion
124-22 Queens Boulevard, Kew Gardens Site
Kew Gardens, Queens County
Site No. C241177

Dear Dr. Mark Dong:

Congratulations on having satisfactorily completed the remedial program at the 124-22 Queens Boulevard, Kew Gardens Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Sadique Ahmed, Bureau B
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2022.

If you have any questions regarding any of these items, please contact Project Manager Sadique Ahmed at 518-402-9656.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Dr. Mark Dong, mdong_66282@hotmail.com

Paul Stewart, pauls@act.earth

Xian Feng Zou, Esq., zoulawoffice@yahoo.com

C. Vooris, Christine.Vooris@health.ny.gov

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Jennifer Andaloro, jennifer.andaloro@dec.ny.gov

Kelly Lewandowski, kelly.lewandowski@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Luciano LLC

Address

25 Aldgate Dr E, Manhasset, NY 11030

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/17/15

Agreement Execution: 1/20/16

Agreement Index No.: C241177-12-15

SITE INFORMATION:

Site No.: C241177 **Site Name:** 124-22 Queens Boulevard, Kew Gardens Site

Site Owner: Luciano LLC

Street Address: 124-22 Queens Boulevard

Municipality: Kew Gardens **County:** Queens

DEC Region: 2

Site Size: 0.179 Acres

Tax Map Identification Number: 3359-21

Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit at the time of this COC issuance is 0%.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as 2019000340039.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: 12/29/2020

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

124-22 Queens Boulevard, Kew Gardens Site, Site ID No. C241177
124-22 Queens Boulevard, Kew Gardens, NY 11415
Kew Gardens, Queens County, Tax Map Identification Number 3359-21

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Luciano LLC for a parcel approximately 0.179 acres located at 124-22 Queens Boulevard in Kew Gardens, Queens County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as 2019000340039.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2, located at 47-40 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241177/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Luciano LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:

Dr. Mark Dong
Luciano LLC
25 Aldgate Dr E
Manhasset, NY 11030

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York, known and designated on a certain map entitled, "Map of Mullers Maple Hill Park at Richmond Hill, surveyed October, 1892 by Richard Evans, C.E. and C.S." and filed in the Office of the Clerk, now Register, Queens County, July 26th, 1893 as Map No. 956, as and by the lot numbers 26 and 27 and the southerly 10 feet of lot number 28 in Block 2, which southerly 10 feet is measured from a point on a line drawn at right angles in 82nd avenue (formerly "Lefferts Avenue"), said line being the easterly boundary line of lot number 30 on said Map.

Excepting, however, therefrom the land taken or acquired by the City of New York in the proceeding to widen Queens Boulevard known as Hoffman Boulevard on said Map, which does not exceed 6 inches in width. And the lot number 26 and 27 and the southerly 10 feet of lot number 28, as aforesaid, taken together are bounded and described according to said Map, less the land taken in the widening of said Queens Boulevard, as follows:

Beginning at a point on the westerly side of Queens Boulevard, designated on said map as Hoffman Boulevard, as widened, distant 48.16 feet (48.18 feet per tax map) southerly from the corner formed by the intersection of the westerly of Queens Boulevard with the southerly side of 82nd Avenue;

Running thence westerly and parallel with the southerly side of 82nd Avenue, 107.79 feet (108.30 feet per tax map) to the easterly line of lot number 30 as laid down on said Map;

Thence southerly at right angles to 82nd Avenue and along the easterly line of said lot number 30, as laid down on said Map, 60 feet;

Thence easterly parallel with 82nd Avenue and along the southerly line of lot number 26, as laid down on Map, 148.04 feet (148.54 feet per tax map) to the westerly side of Queens Boulevard, as widened;

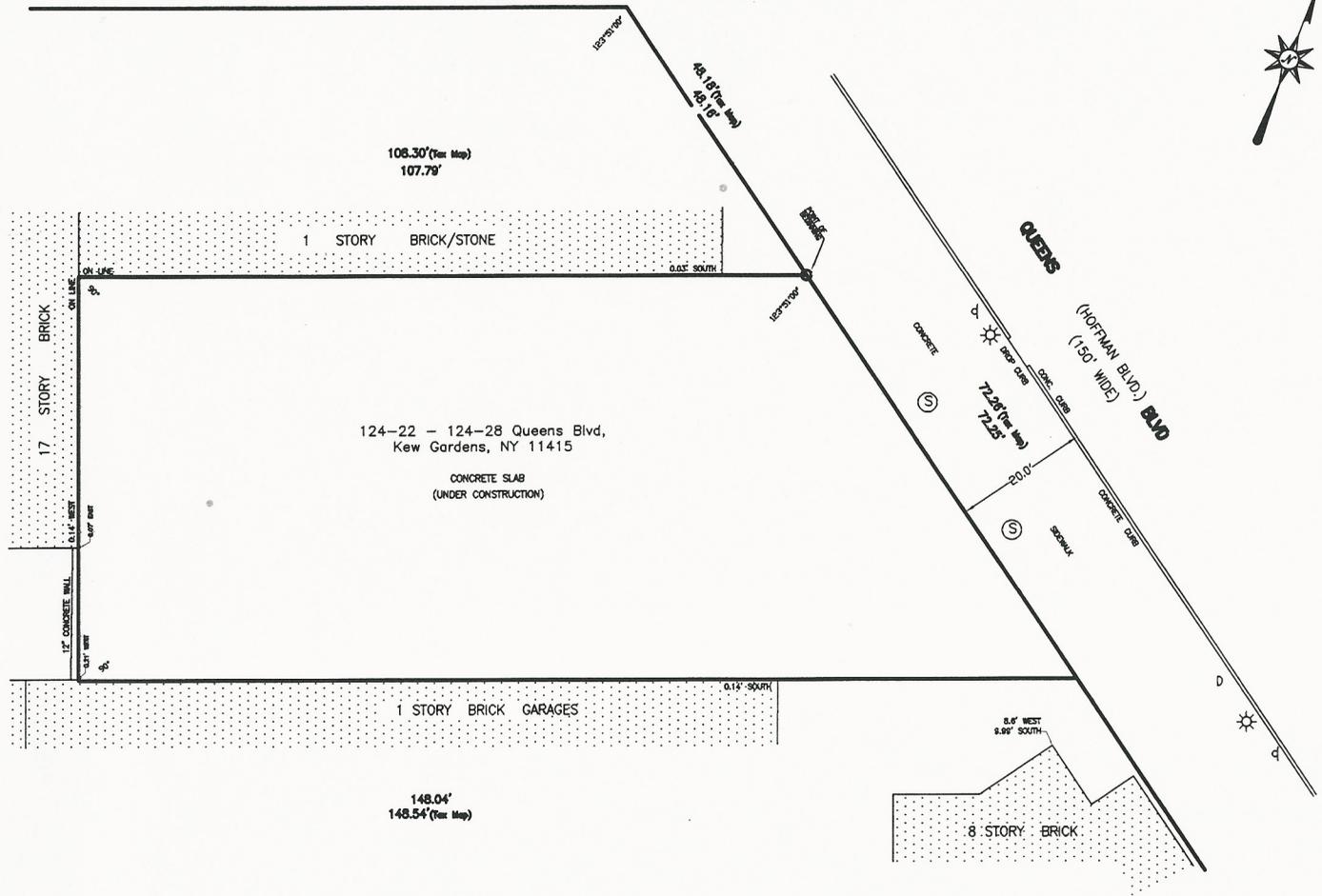
And thence northerly along said westerly side of Queens Boulevard, as widened, 72.25 feet (72.26 feet per tax map) to the point or place of beginning.

Described parcel contains 7674.90 square feet or 0.1792 acres more or less.

Exhibit B

Site Survey

82nd (ONSLOW STREET) AVENUE



WITH AND WITHOUT IMPROVEMENTS
 ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON
 ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW
 YORK, KNOW AND DEMONSTRATED ON A CERTAIN MAP ENTITLED, MAP OF MULLERS MARLE HILL PARK AT
 RICHMOND HILL, SURVEYED OCTOBER, 1862 BY RICHARD EVANS, C.E. AND C.S. AND FILED IN THE OFFICE
 OF THE CLERK, NOW REGISTERED QUEENS COUNTY, JULY 28th 1883 AS MAP NO. 206, AS AND BY THE LOT
 NUMBERS 26 AND 27 AND THE SOUTHERLY 10 FEET OF LOT NUMBER 28 IN BLOCK 2, WERE SOUTHERLY 10
 FEET IS MEASURED FROM A POINT ON A LINE DRAWN AT RIGHT ANGLES IN 82nd AVENUE (FORMERLY LEFFERTS
 AVENUE), SAID LINE BEING THE EASTERLY BOUNDARY LINE OF LOT NUMBER 30 ON SAID MAP.
 EXCEPTING, HOWEVER, THEREFROM THE LAND TAKEN OR ACQUIRED BY THE CITY OF NEW YORK IN THE
 PROCEEDING TO WIDEN QUEENS BOULEVARD KNOWN AS HOFFMAN BOULEVARD ON SAID MAP, WHICH DOES
 NOT EXCEED 4 INCHES IN WIDTH, AND THE LOT NUMBER 26 AND 27 AND THE SOUTHERLY 10 FEET OF LOT
 NUMBER 28, AS AFORESAID, TAKEN TOGETHER ARE SITUATED AND DESCRIBED ACCORDING TO SAID MAP,
 LESS THE LAND TAKEN IN THE WIDENING OF SAID QUEENS BOULEVARD, AS FOLLOWS:
 BEGINNING AT A POINT ON THE WESTERLY SIDE OF QUEENS BOULEVARD, DESIGNATED ON SAID MAP AS
 HOFFMAN BOULEVARD, AS WIDENED, DISTANT 46.18 FEET (46.18 FEET PER TAX MAP) SOUTHERLY FROM THE
 CORNER FORMED BY THE INTERSECTION OF THE WESTERN OF QUEENS BOULEVARD WITH THE SOUTHERLY SIDE OF
 82nd AVENUE;
 RUNNING THENCE WESTERLY AND PARALLEL WITH THE SOUTHERLY SIDE OF 82nd AVENUE, 107.78 FEET
 (108.30 FEET PER TAX MAP) TO THE EASTERLY LINE OF LOT NUMBER 30 AS LAD DOWN ON SAID MAP;
 THENCE SOUTHERLY AT RIGHT ANGLES TO 82nd AVENUE AND ALONG THE EASTERLY LINE OF SAID LOT NUMBER
 30, AS LAD DOWN ON SAID MAP, 60 FEET;
 THENCE EASTERLY PARALLEL WITH 82nd AVENUE AND ALONG THE SOUTHERLY LINE OF LOT NUMBER 26, AS
 LAD DOWN ON MAP, 148.04 FEET (148.54 FEET PER TAX MAP) TO THE WESTERLY SIDE OF QUEENS
 BOULEVARD, AS WIDENED;
 AND THENCE NORTHERLY ALONG SAID WESTERLY SIDE OF QUEENS BOULEVARD, AS WIDENED, 72.25 FEET
 (72.25 FEET PER TAX MAP) TO THE POINT OF PLACE OF BEGINNING.

DESCRIBED PARCEL CONTAINS 7874.90 SQUARE FEET OR 0.1792 ACRES MORE OR LESS.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL ASSESSMENT FILED BY THE
 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO
 TITLE 38 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.
 THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS ASSESSMENT ARE SET
 FORTH IN MORE DETAIL IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE
 SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY.
 THE SMP CAN BE OBTAINED FROM HIS DEPARTMENT OF ENVIRONMENTAL
 CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL
 SECTION, 825 BROADWAY, ALBANY, NY 12233 OR AT DEMWWW.DOE.NY.GOV.

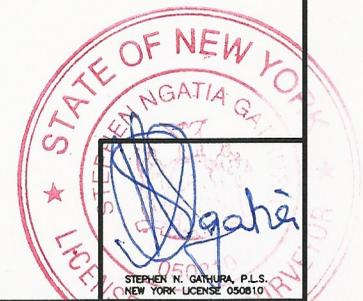
LEGEND

-  - LIGHT POLE
-  - PARKING METER
-  - SEWER MANHOLE
-  - SIGN

SCALE 1"=10'



SCALE 1:120



DATE SURVEYED: JUNE 10, 2019

TAX MAP SECTION 3359
 BLOCK 21
 LOT 21

BOROUGH OF QUEENS
 COUNTY OF QUEENS
 STATE OF NEW YORK

STEPHEN N. GATHURA, P.L.S.
 NEW YORK LICENSE 050810
 S.N. GATHURA
 PROFESSIONAL LAND SURVEYOR
 1545 ARCHER ROAD
 BRONX, N.Y. 10462
 TELEPHONE (347)415-3228
 FAX (347)810-8848
 EMAIL: gathura@landinfovoice.com

Description of Engineering Control

Luciano LLC

25 Aldgate Dr. E

124-22 Queens Boulevard

Environmental Easement

Block: 3359

Lot: 21

Sublot:

Section:

Subsection:

S_B_L Image: 3359-21

Soil Vapor Extraction

Cover System

Monitoring Wells

Point-of-Entry Water Treatment

Vapor Mitigation